

Applicant respectfully traverses that his elected species A should be found patentably distinct from the species D and E.

These species - defined by physical parts - can only function as subsystem within the overall system of the invention, and are not patentably distinct therefrom. These species and subsystems -- required for operation of the invention -- are FUNCTIONALLY

Species A providing wavelength control, found by the Examiner to be expressed in Applicant's claimed bandpass filters.

Species D providing even illumination found by the Examiner to be expressed in Applicant's claimed fiber optics.

Species E providing light intensity control found by the Examiner to be expressed in Applicant's claimed natural density filters and aperture.

Applicants invention will not work correctly without wavelength control, even illumination, and light intensity control. Applicant finds that his elected species A, and also species D and E, should be examined together, as all three species A, D and E collectively define Applicant's invention, without each of which Applicant might have only a

- (1) a lighting system, or
- (2) a wavelength selection system, or
- (3) even a simple illumination system.

Instead, Applicant presents, and claims in the claims associated with all species A, D and E a unique system that combines all three functions described above to permit the system user to do research that they can not carry out with any other system.

Applicant petitions that claims 1,2,7,8,9,10,11,13,14,15,16,17,18,19,21,23 and 27 should be examined in common.

3. Summary

The present amendment and remarks has responded to the requirement for restriction (with traverse), and an election has been made.

In consideration of the election, the present application is deemed in condition for substantive examination. The timely action of the Examiner to that end is earnestly solicited.

Applicant's undersigned attorney is at the Examiner's disposal should the Examiner wish to discuss any matter which might expedite prosecution of this case.

Sincerely yours,

William C. Fuess

William C. Fuess
Registration Number 30,054

William C. Fuess
FUESS & DAVIDENAS
Attorneys at Law
10951 Sorrento Valley Road
Suite II-G
San Diego, California 92121-1613
Telephone: (858) 453-3574 after 2:00 P.M. P.S.T.
Facsimile: (858) 453-3574
E-mail: Wfuess@gmail.com

[X] Attorney of Record
[] Filed Under 37 CFR §1.34(a)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date written below.

July 3, 2006
Date

William C. Fuess
Typed Name of Person
Mailing Correspondence

William C. Fuess
Signature of Person Mailing
Correspondence